

REMARKS

This responds to the Office Action mailed on April 7, 2008.

Claims 15-20 were previously canceled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

No amendments are being made with this response.

§102 Rejection of the Claims

Claims 1-14 were rejected under 35 U.S.C. § 102(e) for anticipation by Shapiro (U.S. Publication No. 2006/0242275). To sustain an anticipation rejection each and every limitation in the rejected claims must be taught or suggested in the exact detail and identical arrangement as the cited reference.

Applicant respectfully disagrees with the Examiner's assertions and conclusions levied in the Final Office Action with respect to the Shapiro reference.

More specifically, claim 1 recites the limitation "compressing the media data with a custom pixel resolution based on a connection rate of the requestor, wherein the connection rate is associated with a rate of transmission for communication over a network with the requestor." The Examiner recited paragraphs 77-98 for these teachings and appears to assert that the configuration data is suggestively to be viewed as including the custom pixel resolution. The Examiner's attention is directed to Shapiro paragraphs 51-52, 59, 76-77, 100, 104, and 125. Here, it is seen that Shapiro very clearly defines the configuration information as being a media player type, a media player version, connection speed preferred by a user, and at paragraph 125 versions of specific codecs. There is no hint whatsoever that the configuration information includes a custom pixel resolution. Moreover, even if this were to be the case in Shapiro (which it is not), the configuration information of Shapiro is not altered based on the connection rate. That is, the limitation requires "compressing the media data with a custom pixel resolution based on a connection rate." *Emphasis added.* In fact, Shapiro includes a preferred connection rate as part of the configuration information. There is no teaching that some aspects of the configuration information (alleged pixel resolution) can be used to alter other aspects of the same configuration information (connection rate).

Similar to claim 1, claim 8 recites the limitation of: “wherein the portions of the compressed media data are altered to achieve a custom pixel resolution based on a connection rate associated with the requestor.” Again, the Applicant asserts that the Examiner has not demonstrated that such a teaching is explicit or even implicit in the Shapiro reference. Specifically, the purported configuration information (alleged implicit pixel resolution) is not altered in response to the connection rate (actually another portion of the configuration information in Shapiro).

Therefore, Applicant respectfully disagrees completely with the manner in which the Examiner has interpreted the Shapiro reference. In fact, Shapiro does not anticipate Applicant’s independent claims 1 and 8.

§103 Rejection of the Claims

Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shapiro in view of Huntington (U.S. 6,970,937). Claims 3 and 12 are dependent from independent claims 1 and 8, respectively; thus, for the amendments and remarks presented above with respect to claims 1 and 8, the rejections of claims 3 and 12 should be withdrawn and these claims allowed. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

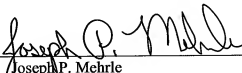
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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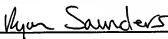
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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of July, 2008.

Name



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